

*copy***SYRACUSE POLICE DEPARTMENT****TRAFFIC SECTION****COLLISION****RECONSTRUCTION****REPORT**

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COLLISION RECONSTRUCTION UNIT

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CITY: Syracuse

COUNTY: Onondaga

DATE OF COLLISION: 03-21-2017

TIME: 0130 Hours

LOCATION: N. Salina Street at Bear Street

DRIVER: (D1) Peter Rauch (Ped.) Seth M. Collier

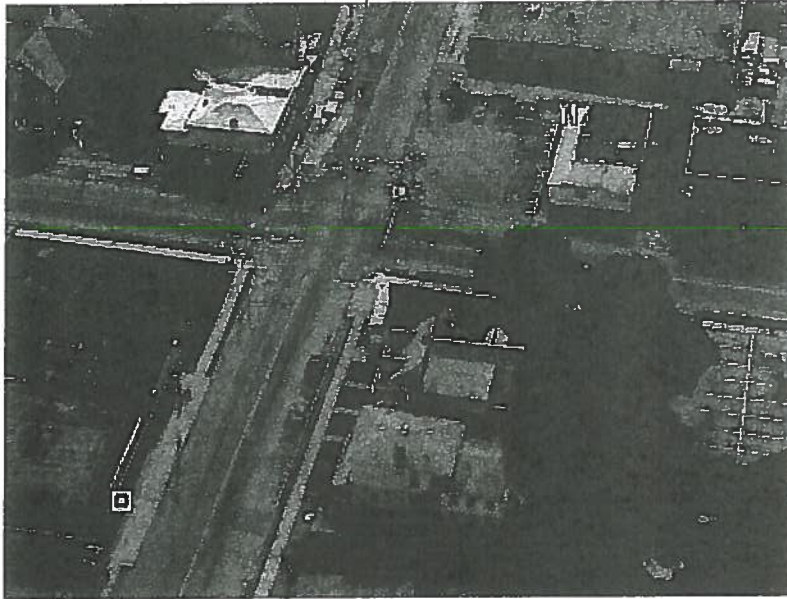
LEAD INVESTIGATOR: Crash Investigator Lonnie Dotson

TABLE OF CONTENTS

Cover page	Page #1
Identification	Page #2
Table of Contents	Page #3
Aerial Photograph of scene	Page #4
Scene Documentation	Page #5
Synopsis/Objective	Page #6
Investigation Narrative	Page # 7-32
Case Attachments:	
➤ MV-104A	
➤ Vista FX7 Scaled Digram	
➤ (3) Statement from Bar Tenders	
➤ (3) Statements from Ackerman	
➤ (1) Statement from Mahshie	
➤ (1) Preliminary Forensic Autopsy Summary Report	
➤ (1) Forensic Toxicology Laboratory Reports	
➤ Numerous Syracuse Police CNYLEADS supplemental reports	

COLLISION LOCATION

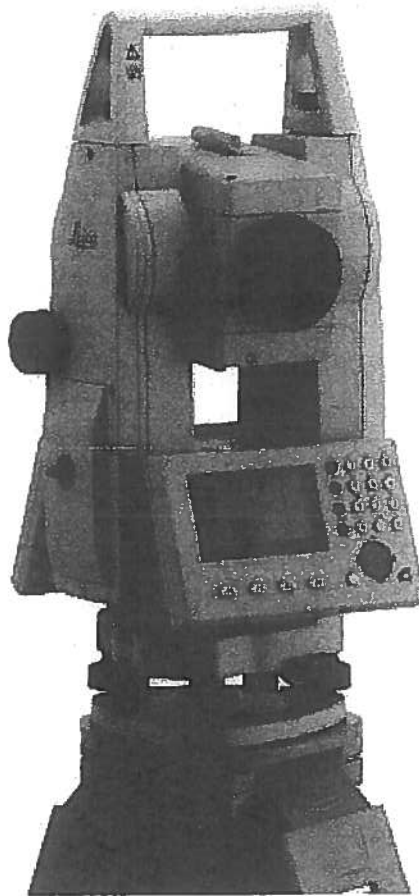
The collision occurred at the intersection of North Salina Street at Bear Street within the City of Syracuse.



This photograph provides an aerial view of the collision location during daylight hours from Google Earth. North is to the bottom of the photograph. This photograph is not intended to depict the conditions of the scene at the time of the collision.

SCENE DOCUMENTATION

A Leica Total Station was used to map the scene of the collision. A Total Station is an electronic surveying instrument consisting of an electronic distance meter (EDM) and a data collector. At the collision scene one person operates the Total Station while a second person places a reflecting prism over each desired data point. Each data point recorded will include northing, easting and elevation (x,y,z) coordinates. These coordinates are processed into a file that can be exported into most computer-aided drafting (CAD) programs for editing.



SYNOPSIS

On Monday, March 21st, 2017 at approximately 0130 hours, V1 was traveling southbound on North Salina Street at Bear Street and collided with an adult pedestrian. The pedestrian was crossing the street from east to west. V1 left the scene of the collision. V1 was recovered and the driver of V1 was later taken into custody.

OBJECTIVE

An analysis of the collision was completed using the available physical evidence collected from the scene of the crash. The objective of the analysis was to establish, if possible, the speed of the motor vehicle and to determine the contributing factors/cause of the collision. A review of any other roadway, human, vehicle, or environmental factors that may have contributed to the collision was also performed.



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

INTRODUCTION:

On Tuesday, March 21st, 2017 at approximately 0129 hours, a motor vehicle Hit and Run collision occurred at the intersection of North Salina Street at Bear Street between a motor vehicle and an adult pedestrian. The pedestrian was identified as 18 year old Seth Michael Collier (10-12-98). Collier was unconscious at the scene and transported from the scene by AMR Ambulance to University Hospital with serious and possible life threatening injuries.

Members of the Syracuse Police Department were dispatched to the scene. Syracuse Police Detective Thomas Lund assisted with the investigation by immediately checking the C.O.P.S platform cameras located at the intersection of North Salina Street at Bear Street. The camera at said location is situated on a utility pole located on the south-west corner of the intersection.

Detective Lund reported that upon reviewing the camera he observed at 1:29:16, a dark colored four door sedan traveling south on North Salina Street. As the sedan traveled south from the intersection, dark and light colored small pieces of debris were observed scattering in a southerly direction on the street behind the sedan. Detective Lund reported further that he also observed a dark colored pick-up truck traveling behind the four door sedan vehicle. The dark colored four door sedan vehicle was observed turning left onto Turtle Street from North Salina Street and the dark colored pick-up truck is observed turning right onto Turtle Street from North Salina Street. The observations made by Detective Lund from the C.O.P.S platform camera at the intersection of North Salina Street at Bear Street were in close proximity to the time that the 911 calls came in to the Onondaga County 911 Center regarding the collision.

Due to the serious and possible life threatening injuries related to the collision, members of the Syracuse Police Departments Collision Reconstruction Unit were summoned to the scene.

I responded to the scene in my assigned police vehicle which is identified as Unit 554. I hold a certificate of completion in: Motor Vehicle Collision Investigation-On Scene Course, Motor Vehicle Collision Investigation-Advanced Course and Crash Reconstruction. I have hands-on, in-the-field experience in the investigation,



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

reconstruction, and analysis of basic, personal injury and fatal traffic crashes. I took the role as the Lead Crash Investigator for this collision investigation.

Syracuse Police members at the scene included: Lieutenant Anthony Sobiech, Sergeant David Sackett, Sergeant Todd Cramer, Sergeant Rick Raymond, Sergeant Michael Murphy, Police Officer Michael Goudy, Police Officer David Demand, Police Officer Shawn Mehlek, Police Officer Ben Gardner, Police Officer Erin Clayton, Police Officer Henry Gannon, Police Officer Jason Wells, Police Officer Angel Cordero, Police Officer Gregory Webb, Police Officer Joseph Mauro, Police Officer Michael Hard, Police Officer Chad Picotte, Police Officer Daniel Shipe and Police Officer Kenneth Sheehan.

On 3-21-2017, at approximately 0231 hours, Unit 429, Police Officer Angel Cordero and Police Officer Gregory Webb advised channel 3 dispatch that they located a possible suspect vehicle in the parking lot of the Pastime Athletic Club located at 1314 North Salina Street. This location is one block south of the collision location. The vehicle located by Officer Webb and Officer Cordero was identified as a 2010 Chevrolet Impala, 4DS, color dark blue bearing New York Registration EWJ6671. This vehicle had fresh damage consistent with hitting a pedestrian. This vehicle came back to the Onondaga County District Attorney's Office and will be referred to as V1 for the remainder of this report. Police Officer David Demand and Police Officer Shawn Mehlek responded to the Pastime Athletic Club to assist at this location. I was informed by Police Officer David Demand that a pictured identification card from the Onondaga County District Attorney's Office belonging to Onondaga County District Attorney Investigator Peter Rauch could be clearly observed while looking through the rear window of the vehicle.

Senior Assistant District Attorney Christopher Bednarski and Assistant District Attorney Frank Pelosi from the Onondaga County District Attorney's Office responded to the scene and both were briefed about the collision. Because of the circumstances surrounding this collision investigation all members of the Onondaga County District Attorney's Office recused themselves from the case. Special Prosecutor Gregory Oaks from the Oswego County District Attorney's Office was later assigned by the Courts to prosecute the case.



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

On 3-21-2017, at approximately 0235 hours I arrived at the scene of the collision. I observed a secure scene. The collision scene was enclosed by yellow police tape. Police Officers in marked police vehicles were positioned at the north and south ends of the collision scene, keeping vehicular/pedestrian traffic from entering the scene. The evidence produced from the collision was secured in its relative positions by initial responding Police Officers. I photographed the scene using digital photography.

Measurements of the scene were secured with the use of a Leica 300 series Total Work Station (surveying instrument), with the assistance of Police Officer Michael Goudy. The measurement points were later downloaded in to a Computer Aided Drawing Program (Vista Fx7) and I completed a scaled diagram of the collision scene. While mapping the scene a 50 foot standard distance was introduced to the scene with the use of a measuring tape. The standard distance was present on the finished Drawing and was confirmed through the Drawing Program to be 50 feet.

COLLISION SCENE DESCRIPTION:

The scene of the collision was located at the intersection of North Salina Street at Bear Street within the City of Syracuse. The area of the collision is business and residential in nature. Traffic on North Salina Street is permitted to travel north and south. There is one northbound and one southbound lane on North Salina Street. Double solid yellow lines divide the north and south flow of traffic. Traffic is permitted to travel east and west on Bear Street. There is one eastbound and one westbound lane on Bear Street. The east and westbound lanes are divided by yellow double solid lines. There are no other lane markings on North Salina Street or Bear Street in the area of the collision.

The intersection is controlled by a traffic signal and pedestrian signals. While at the scene I monitored both signals and found them to be working properly through cycles. The speed limit is 30 mph, however there are no speed limit signs posted in the immediate area of the collision.

On 3-21-2017 at 0130 hours the weather conditions were mild, 34 degrees Fahrenheit. The wind was calm, no precipitation and the skies were cloudy. The roadway



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

was dry at the time of the collision. Portions of the edge of pavement on the 1400 and 1500 blocks of North Salina Street had snow present. There are sidewalks on the 1400 and 1500 blocks of North Salina Street with sporadic amounts of snow.

As a motorist travels north and south on North Salina Street there are no view obstructions that would hinder or reduce the visibility to contribute to causation factors for a collision.

The roadway was in good condition and free from obstructions.

COLLISION SCENE EVIDENCE:

I completed a walk through of the scene with Police Officer Michael Goudy. The evidence will be described from north to south in the direction V1 traveled. I observed debris consisting of vehicle pieces that appeared to be broken pieces from a bumper and headlight lens. I observed a blood spot which was later determined to be from the pedestrian Seth Collier, and his final resting position in the northbound lane on the 1400 block of North Salina Street.

I didn't observe any pre or post impact skid marks or tire marks at the scene.

A DJ I Phantom 3 small UAS registered Drone (Certificate #FA3R4RPRPX) was deployed, capturing aerial video footage and photographs of where the collision occurred and where V1 was located at the Pastime Athletic Club.

PASTIME PARKING LOT EVIDENCE:

After processing the collision scene, I responded to the Pastime parking lot, located at 1314 North Salina Street. The parking lot and surrounding area of the Pastime parking lot was cordoned off with yellow police tape.

I observed V1 parked in a parking spot located on the south side of the building. V1 was parked facing a southerly direction. I observed damage to the driver side front bumper, front headlight and the leading edge of the upper hood where it meets the driver side front quarter panel. The driver side windshield had a significant amount of impact damage. The damage I observed was consistent with a pedestrian impact.



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

While checking the damage to V1's exterior, Officer Demand pointed out what appeared to be a piece of clothing fabric that was situated between the upper driver side leading edge of the front hood where it meets the driver side upper leading edge of the driver side front quarter panel. Due to exigent circumstances, this piece of fabric was secured before the vehicle was towed as there was an imminent probability that the fabric would be lost during the vehicle being towed.

Located to the back parking lot of the Pastime Athletic Club (East side of building) was a 2015 GMC Sierra pick-up truck, color black bearing New York State registration HAB7360. This vehicle matched the description of the dark colored pick-up truck that was observed on the C.O.P.S platform camera, traveling behind V1 before, during and after the collision occurred. This vehicle is registered to Edward Ackerman.

We learned that Ackerman is the Board President at the Pastime Athletic Club. Because V1 and Ackerman's vehicle were parked at the Pastime Athletic Club it was possible that Rauch and Ackerman were inside the closed establishment.

A check through the alarm company showed that Becky Heindorf was a sub for the Pastime Athletic Club. Becky Heindorf who is the Pastime Athletic Club Office Manager, was contacted and asked to respond to allow Police to gain access into the building to check for Rauch and Ackerman.

On 3-21-2017, at approximately *0403* hours, two males were located in the basement of the Pastime Athletic Club. These two males were identified as Edward Ackerman and Benjamin Mahshie. Peter Rauch was not located inside of the Pastime Athletic Club facility.

While inside of the Pastime Athletic Club we located the buildings surveillance system inside of the main office. There are interior and exterior cameras positioned throughout the Pastime Athletic Club. There was one particular camera of interest pointing in the direction of where V1 was parked in the south parking lot. We noticed that the surveillance system monitor was off and unplugged as well as the cameras input wires were disconnected from the main digital recording box.

We asked Becky Heindorf if the surveillance system works and she stated, that the *"cords to the video equipment are usually plugged in and they should not have been unplugged."* Heindorf continued saying that because the surveillance system is in her



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

office she sees the system on a daily basis. Heindorf stated that when she last observed the surveillance system on 3-17-2017, the wires to the system were *“all plugged in to the equipment.”*

A written affidavit was secured from Heindorf regarding the condition of the surveillance system.

The Pastime Athletic Club main office where the surveillance system is kept was held by members of the Syracuse Police Department while a Search Warrant was applied for. On 3-21-2017 the Honorable City of Syracuse Court Judge Kate Rosenthal signed a Search Warrant for the surveillance system to be recovered and checked for video footage relating to this collision investigation, as well as a Search Warrant for the processing and search of V1.

On 3-21-2017, at 1135 hours, the video equipment was removed from the Main Office of the Pastime Athletic Club and taken to the Major Crime Scene Unit for review.

V1 was towed from the Pastime Athletic Club and secured inside of the Syracuse Police Patrol East Garage for processing.

VIDEO SURVEILLANCE SYSTEMS:

For all crime reconstruction involving video footage, an analysis for the correct time stamp on all video footage should be conducted. How accurate the time stamp may depend on each individual digital video recorder. During my 19 years of police experience with criminal investigations and or crash reconstruction, I have had the opportunity to review a large amount of surveillance video relating to crash investigations, various crimes/criminal activities. I have seen some surveillance systems that were years out of date because someone forgot to set the date and time when the system was installed. There are regular instances where the surveillance system times are off by a few minutes because the real time clocks may drift over time, and some systems are off by an hour because the system was not configured to switch with daylight savings time, and some systems may be off in time a few hours because the time zone wasn't set properly.

For this investigation, multiple surveillance systems were reviewed to assist in putting together interconnected events at various time intervals that lead to the death of



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

Seth Collier. I found that the various surveillance systems time stamps were in close proximity to one another and might have been off by a few seconds. The surveillance system from the Jumpin Jupiter was off by approximately 7 minutes, compared to other video footage. The remaining surveillance systems time stamps were close in time to the 911 calls entered by the 911 Center.

The following surveillance systems were reviewed:

-Syracuse Police Criminal Observation Protection System (C.O.P.S. Cameras) from North Salina Street at Lemoyne Ave and North Salina Street at Bear Street (Exterior fixed camera).

-Jumpin Jupiter Children's Party Service located at 1426 North Salina Street (Exterior fixed camera).

-Pastime Athletic Club located at 1314 North Salina Street. (Interior/Exterior fixed cameras).

-Lookers Show club located at 1400 North Salina Street (Exterior Fixed Cameras).

-Twin Trees Too Restaurant located at 1029 Milton Ave (Interior Fixed Camera).

-Singers Karaoke Club located at 1345 Milton Ave (Interior Fixed Cameras).

The following timeline of events were taken from the C.O.P.S cameras and the Jumpin Jupiter surveillance systems.

- The impact between V1 and Collier occurred at approximately **0129** hours. Shortly after the impact, Ackerman's vehicle slows down in the southbound lane on North Salina Street and drives by Collier's body lying in the northbound lane on North Salina Street. Ackerman's vehicle is within 20-25 feet from Collier's body when he drives past Collier.
- At approximately **1:29:16** debris from V1 can be seen scattering on the roadway as V1 continues south on North Salina Street (South of the intersection).



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

- At approximately **1:29:23** Vi makes a left turn from North Salina Street onto Turtle Street.
- At approximately **1:29:32** Ackerman makes a right turn from North Salina Street onto Turtle Street.
- At approximately **1:30:44** Ackerman comes back around and makes a left turn from Court Street back onto North Salina Street. At the same time a female is observed walking from Looker's towards Collier's body lying in the roadway.
- At approximately **1:30:55** the female from Lookers arrived at Collier's body lying in the roadway.
- At approximately **1:30:56** Ackerman makes a right turn from North Salina Street onto Turtle Street.

The following timeline was taken from calls that came into the 911 Center.

- At approximately **1:30:28** an unknown female caller from inside of Lookers reports the collision (Refused to give name).
- At approximately **1:30:59** (██████████) reported a hit and run stating "There is a person lying in the street between turtle Street and Bear Street, on North Salina Street closer to Bear Street.
- At approximately **1:32:43** a call comes in from an unknown caller. The call is distorted and there are males/females talking in the background. A male voice can be heard saying "***Don't touch him.***"
- At approximately **1:32:45** (██████████) reported that there was a "***Man on the ground, I think he was hit by a car, I heard it and came out and I don't see the vehicle.***"



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

The following timeline was taken from the Pastime Athletic Club surveillance system.

- At approximately **1:30:50** V1 enters the Pastime Athletic Club parking lot on the south side of the building and parks in a parking spot facing south. Peter Rauch exits the driver seat and Benjamin Mahshie exits the front passenger seat. No other occupants are observed exiting V1. Upon entering the parking lot V1 comes off of Pastime Drive in the direction from Turtle Street.
- At approximately **1:31:41** Peter Rauch walks away from the parking lot.
- At approximately **1:32:46** Mahshie walks towards the Pastime Athletic Club and appears to be looking at his phone.
- At approximately **1:35:08** Mahshie walks through the parking lot towards Pastime Drive.
- At approximately **1:35:28** Edward Ackerman appears in the south parking lot area on foot and walks towards the Pastime Athletic Club's south entrance. Mahshie returns and follows behind Ackerman.
- At approximately **1:35:56** Ackerman and Mahshie enter the south entrance and go inside of the Pastime Athletic Club.
- At approximately **2:32:10** Ackerman and Mahshie are standing inside the Pastime Athletic Club main office. Ackerman is holding the remote control for the video surveillance system and begins pointing it at the control box.
- At approximately **2:36:47** Ackerman starts to unplug the surveillance system cameras.
- At approximately **2:36:59** the video surveillance system goes blank/black screen.



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

EDWARD ACKERMAN:

At the time of this incident/investigation Edward Ackerman was a Syracuse Fire Fighter-Paramedic. Ackerman is also the Board President at the Pastime Athletic Club. At the time of this collision Ackerman was off-duty and operating his personal vehicle, approximately 3-5 seconds behind Peter Rauch shortly before Rauch struck Pedestrian Seth Collier. The vehicle that Ackerman was operating was identified as a 2015 GMC Sierra, color black bearing New York State registration HAB7360. After Rauch struck Collier and left the scene, the vehicle that Rauch was operating was located in the parking lot of the Pastime Athletic Club (South side of Bldg.). Ackerman's vehicle was also located in the parking lot of the Pastime Athletic Club (East-Rear of Bldg.). As previously mentioned Ackerman was located inside of the Pastime Athletic Club after the collision occurred.

Syracuse Police Detective Terell Irvine was assigned the task of interviewing Ackerman about the collision investigation. Ackerman was transported to the Criminal Investigations Division, located on the 3rd floor of the Public Safety Building. In part, Ackerman provided this account of what occurred:

“Myself, Ben Mahshie and Peter Rauch went to Twin Trees II on Milton Ave for dinner from 10:00 P.M. to around 11:30 P.M. then we went to Singers and I had a couple beers there and we went there until around 12:30 A.M. After Singers myself, Ben and Pete went back to Pastimes. I was driving my truck which is a 2015 black GMC Sierra that has a passenger side rear tail light out. Pete was driving his vehicle which is a dark sedan and Ben was the passenger of his...Pete's vehicle. I was driving my vehicle behind Pete's vehicle as we were driving back to Pastimes where Ben's vehicle was parked. We were driving on Hiawatha Blvd then began driving south on North Salina Street. I thought I saw Pete's vehicle brake as he drove through the intersection at Bear Street and North Salina Street and he continued straight on North Salina Street towards Pastimes and he turned left on Turtle Street then up Pastime Drive. As I went through the intersection, I saw a dark object in the road at the intersection which I avoided. Then I drove up a couple of blocks to the Pastimes parking lot in the front near the Court Street then turned around to go back down Salina Street to turn up Turtle Street to Pastimes Drive. Then I parked and walked around the building and I saw Ben outside of Pastime. The car Pete was driving was in the parking lot in the front near the Court Street side. When I parked, Ben was walking towards me from the Court Street side of the building. I never saw Pete after I parked



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

and I tried calling him but I could not get a hold of him because his cell phone went right to voice mail. Ben told me Pete left and said they though they hit something but didn't know what it was. Ben and I went inside and got some water. A short time later police came inside and wanted to speak with me and Ben."

The first statement provided by Ackerman began at 6:42 A.M. and concluded at 7:22 A.M. The first statement that Ackerman provided, he describes Collier as a **"Dark Object"** in the roadway and does not identify Collier's body in the roadway after being struck by Rauch's vehicle. Ackerman also did not provide any information about Collier crossing the street. Ackerman reported that **"Ben told me Pete left and said they thought they hit something but didn't know what it was."**

Ackerman was asked further questions relating to the collision and he provided a second statement that began at 8:34 A.M. and concluded at 8:45 A.M. The following information was provided during Ackerman's second statement.

"I previously gave a written statement and I would like to add more details about the car accident that occurred on March 21st around 12:30 A.M. when I was driving behind Pete Rauch at North Salina Street at Bear Street. I saw a black male approximately 6'00" tall in dark clothing quickly cross the street from the driver side and quickly walked in front of Pete's vehicle and that person appeared to have been struck by Pete's vehicle. I did not see that person go over the hood. After the person got hit by Pete's car, I then saw what appeared to be the person that was struck by the car on the ground. When we got to Pastime's I did not look at Pete's vehicle, but Ben Mashie told me that he thought the windshield was cracked."

The second statement provided by Ackerman clearly shows that he observed Collier crossing the street in the exact direction he was in fact traveling. Ackerman also explains further that **"After the person got hit by Pete's car, I then saw what appeared to be the person that was struck by the car on the ground."** The **"Dark Object"** that Ackerman described during his first statement is clearly described as a person in his second statement, therefore he had knowledge that a pedestrian had in fact been struck by Rauch's vehicle. I took a measurement from where Collier came to final rest to where Ackerman's vehicle appeared to be from the video footage as Ackerman's vehicle passed Collier lying on the ground. Ackerman is approximately 25 feet away from Collier as he drives past him down in the roadway after being struck by Rauch's vehicle.



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

Ackerman is not obligated as an off-duty Fire Fighter-Paramedic to stop and provide first aid to Collier, however ethically and morally speaking, Ackerman's actions while off-duty brought discredit towards himself and he intentionally placed himself in a situation that could adversely affect the credibility or public perception of the fire service profession.

As previously mentioned in this report, Ackerman can be observed on video tampering with the video surveillance system inside of the Pastime Athletic Club after the collision occurred. Ackerman had direct knowledge that Peter Rauch was driving a motor vehicle that struck a pedestrian. Ackerman had knowledge that there was in fact a person in the roadway after being hit by Rauch's vehicle. Ackerman knew that Rauch left the scene of a collision. Ackerman had knowledge that Rauch's vehicle was parked in the Pastime Athletic Club parking lot. Being the Board President of the Pastime Athletic Club, Ackerman has knowledge of the surveillance system set up, and knows that the cameras affixed to the interior and exterior of the building may have captured relevant footage/evidence relating to this collision investigation. As such Ackerman's involvement was now criminal in nature.

On 4-4-2017, in the presence of Ackerman's Attorney he was read his Miranda Warnings. I provided Ackerman with a question/answer style affidavit regarding his involvement with this collision investigation. As for the tampering with the surveillance system, Ackerman refused to answer any questions relating to such, however the video footage of Ackerman's actions and after reading the written statement from the Pastime Athletic Club Office Manager, Becky Heindorf, there was sufficient probable cause to charge Edward Ackerman with Tampering with Physical Evidence.

For further information please review all statements secured from Ackerman relating to this investigation.

BENJAMIN MASHIE:

Mahshie was driving with Peter Rauch when this collision occurred. Mahshie was sitting in the front passenger seat of the vehicle that Rauch was driving. Mahshie was located inside of the Pastime Athletic Club with Edward Ackerman after the collision occurred. Mahshie was turned over to Detective Alexander Cazzolli for further questioning about the collision. Mahshie provided the following information about the collision:



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

“I arrived at the Pastime Athletic Club roughly 4:45 P.M. I met with Peter Rauch, was at the club for half an hour. Proceeded to run two errands to the bank and to the dollar store. Came back to the Pastime Athletic Club around 6-6:15. Proceeded to watch several basketball games in the gym. Departed Pastimes around 9:30-10:00 to get something to eat at Twin Trees Too. I had something to eat with Ted Ackerman and Peter Rauch. After completing our meal we stopped by Singers Karaoke Bar for roughly an hour then departed back to the Pastime Athletic Club. Upon nearing the club on Salina near Turtle experienced a slight swerve and then thud with the vehicle. I was passenger in a sedan that Peter was driving. I believe it was a motor pool car. Then after thud and slight swerve noticed a mark on the left side of the windshield. Proceeded another block and car was parked at the Pastime Athletic Club. Asked if we should have stopped the car but did not until it was parked, and then Peter said I have to go I am out. Teddy then met me at the entrance to Pastimes and we entered and went to the basement where the hitting bays for baseball and golf were. Then roughly an hour later police came into the club.”

DRIVER #1 IDENTIFICATION:

The driver of V1 was identified as Peter Rauch. Rauch possesses a valid class *D* New York State Driver's License that expires 6-16-2017. Rauch weighs approximately 180 pounds. Rauch does not have any restrictions on his Driver's License.

At the time of this collision, Rauch was employed by the Onondaga County District Attorney's Office as an Investigator. Rauch was also employed part time as a Liverpool Police Officer. In order to be employed in said positions, Rauch underwent practical instruction/training for applying New York State Laws, patrol procedures, criminal investigations, firearm training, traffic control, defensive driving, first aid and basic accident investigation.

Rauch was driving a vehicle that was assigned to him through the Onondaga County District Attorney's Office which is a spare vehicle. Rauch is authorized through the District Attorney's Office to take his assigned vehicle home as he is on-call. At the time of this collision Rauch was off-duty and was using his assigned work vehicle from the District Attorney's Office for his own personal use. A check through the Onondaga County District Attorney's Office showed that Rauch was in fact off-duty and not working any special work related details at the time of the collision.



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

Based on video evidence, statements from Ackerman and Mahshie, and other circumstantial evidence, it was clear that Peter Rauch was in fact driving V1 when it collided with Pedestrian, Seth Collier. Rauch has exercised his constitutional right to remain silent and has not provided any statements for this investigation.

Rauch collided with Collier and left the scene of the collision at approximately 1:29:00 hours. Rauch parked V1 in the parking lot of the Pastime Athletic Club, and exits V1 at approximately 1:30:50 hours. Rauch walks away from the Pastime Athletic Club parking lot at approximately 1:31:41 hours.

When Rauch collided with Collier there was no evidence to support braking. Rauch hits Collier moving at constant forward momentum. Directly behind Rauch was Edward Ackerman, who was driving in his own personal vehicle. Ackerman provided detailed information relating to Collier crossing the street and being struck by Rauch's vehicle. Ackerman was approximately 3-5 seconds behind Rauch. If Ackerman observed the pedestrian crossing the street then why didn't Rauch, being that he was closer to the opposing hazard, that being Collier moving towards the point of impact.

Once the impact occurred and Collier's body is struck, the driver side front windshield of V1 was severely fractured. Shards of glass broke free from the front windshield and were found on the interior of V1 to include; the driver side front dash board, steering column and driver side front seat where Rauch was positioned in the vehicle. Based on Rauch's training and experience in Law Enforcement, one can conclude that he should have known a collision had just occurred or something was drastically wrong.

Alcohol involvement is suspected on behalf of Rauch and there is sufficient evidence to substantiate that he was an impaired driver at the time of this collision.

During my career (19 years) as a Police Officer/Crash Investigator I have been involved in hundreds of DWI related offenses/Investigations. I have the following training and experience in the field of DWI: Member of the New York State Impaired Driving Advisory Council, Standardized Field Sobriety Test certified/Instructor, Breath Analysis Certified/Instructor, Advanced Roadside Impaired Driving Enforcement Course, DWI Homicide Crash Training Course, NYS Prosecutors Training Course for Police/Prosecutors and attended numerous Standardized Field Sobriety refresher courses.



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

While at the Pastime Athletic Club, Twin Trees Too and Singers Karaoke Bar, Peter Rauch did consume a large amount of alcoholic beverages between 1615 hours-0053 hours (8 hours/38 minutes), totaling 17 alcoholic beverages. Rauch can be clearly observed on video consuming alcoholic beverages. The alcoholic beverages included bottles of beer, alcoholic shots and alcoholic mixed drinks. Bartenders from each of the previous mentioned establishments confirmed that they served Rauch alcoholic beverages. Ackerman and Mahshie also reported that Rauch was consuming alcoholic beverages in their presence at each establishment. Rauch consumed a total of 17 alcoholic beverages within 9 hours, operated V1 and collided with Collier as he crossed the street. Rauch left the scene of the collision and wasn't taken into custody until 0945 hours on 3-21-2017. (8hrs/15min post collision).

On 3-21-2017, at 1114 hours, Police Officer David Demand administered Rauch Standardized Field Sobriety Test while inside the Criminal Investigations Division. Officer Demand is a Drug Recognition Expert and is also certified to administer SFST's. Rauch performed the Horizontal Gaze Nystagmus, Walk-And-Turn and the One Leg Stand. Officer Demand noted clues for the HGN and the One-Leg-Stand. Officer Demand administered an Alco-Sensor test to Rauch which was positive for the presence of alcohol. Rauch consented to a blood draw, under the direction of his Attorney.

On 3-21-2017, at approximately 1155 hours, blood was drawn from Rauch at University Hospital. The blood sample was secured and turned in to the Forensic Center for a toxicology analysis. A toxicology report later showed that Rauch had a Blood Alcohol Concentration of .04% at the time of his blood draw.

Alcohol is absorbed into the bloodstream via small blood vessels in the walls of the stomach and small intestine. Within minutes of drinking alcohol, it travels from the stomach to the brain, where it quickly produces its effects, slowing the action of nerve cells. Approximately 20% of alcohol is absorbed through the stomach. Most of the remaining 80% is absorbed through the small intestine. Alcohol is also carried by the bloodstream to the liver, which eliminates the alcohol from the blood through a process called metabolizing. The liver can only metabolize a certain amount at a time, leaving the excess circulating throughout the body. Thus the intensity of the effect on the body is directly related to the amount consumed.



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

After a study performed by the National Highway Traffic Safety Administration and numerous other organizations, the effects of Blood Alcohol Concentration were as follows:

- At **.02%** there was some loss of judgement, relaxation, slight body warmth, altered mood. Predictable effects on driving may include a decline in visual functions, decline in ability to perform two tasks at the same time.
- At **.05%** there was exaggerated behavior, may have loss of small-muscle control, impaired judgement, usually good feeling, lowered alertness, release of inhibition. Predictable effects on driving may include reduced coordination, reduced ability to track moving objects, difficulty steering, reduced response to emergency driving.
- At **.08%** muscle coordination becomes poor (Balance, Speech, Vision, Reaction time, and Hearing) harder to detect danger, judgement, self-control, reasoning, and memory are impaired. Predictable effects on driving may include concentration, short-term memory loss, speed control, reduced information processing capability (e.g., signal detection, visual search), and impaired perception.
- At **.10%** there was clear deterioration of reaction time and control, slurred speech, poor coordination, and slowed thinking. Predictable effects on driving may include reduced ability to maintain lane position and brake appropriately.
- At **.15%** there was far less muscle control than normal, vomiting may occur (Unless this level is reached slowly or a person has developed a tolerance for alcohol) major loss of balance. Predictable effects on driving may include substantial impairment in vehicle control, attention to driving task, and in necessary visual and auditory information processing.

At 1114 hours, Rauch displayed impairment clues after performing Standardized Field Sobriety Test and after being administered an Alco-Sensor., 9 hours and 44 minutes after the collision occurred. At 1155 hours Rauch's blood was drawn, 10 hours and 25 minutes after the collision occurred. Toxicology reports



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

showed that Rauch had a .04% Blood Alcohol Concentration at the time of the blood draw. At 10 hours and 25 minutes after the collision Rauch's B.A.C was .04%, therefore based on the amount of drinks Rauch consumed between 1615 hours and 0053 hours, Rauch's B.A.C at the time of the collision was much greater than .04%.

For purposes of calculating Rauch's Blood Alcohol Concentration at the time of this collision, I made contact with Director of Toxicology Elizabeth Spratt, MS, DABFT from the Westchester County Department of Laboratories and Research, and gave her a brief synopsis of this case. Based on the total amount of information and facts related to this case, specifically the consumption of alcoholic beverages on behalf of Peter Rauch prior to this collision, a B.A.C calculation and analysis of metabolism/elimination could be performed by Spratt. Spratt's Curriculum Vitae including her contact information was made part of this case file.

PEDESTRIAN IDENTIFICATION:

The pedestrian involved in this collision was identified as 18 year of Seth Michael Collier (10-12-98). Collier was unconscious at the scene and transported from the scene by AMR Ambulance to University Hospital with serious and possible life threatening injuries. As a result of the injuries that Collier sustained from this collision, he was pronounced deceased at University Hospital by Dr. Ramdani on 3-23-2017 at approximately 1536 hours.

Collier resided at 2311 Lodi Street, Apartment #1, Syracuse New York, with his Mother Lisa Purvis and Father Michael Collier. Collier was employed at the Burger King Restaurant (Crew Member) located at 104 Elwood Davis Road off of 7th North Street.

I spoke with Collier's Manager Richard Napolitano and checked Collier's timeclock report. On 3-21-2017, Collier punched out of work at approximately 0030 hours. After leaving his place of employment, Collier walked down the street from his job to his friend [REDACTED] residence, located at 621 7th North Street.

I spoke with [REDACTED] and he stated that he received a text from Collier saying that Collier was on his way to [REDACTED] residence. The text was sent around 0030 hours when Collier was leaving work. [REDACTED] stated that when Collier sent the text he was sleeping and didn't speak to Collier after the 0030 text message. [REDACTED]



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

██████████ stated that he remembered Collier being in his house but he was half awake. Being that ██████████ was sleeping, Collier left. ██████████ stated that when Collier walks home he travels the same way every time, which is 7th North Street → Buckley Road → Park Street → Hiawatha Blvd → North Salina Street → Bear Street → Lodi Street.

I interviewed Collier's family members. Collier's sister Jade Collier who resides out of State reported that she was having a facebook conversation with her brother on the night of the collision. J. Collier stated that her brother's last message on facebook was sent 3-21-2017, at 0107 hours.

Video footage clearly shows that Collier did cross the street against the traffic signal. Vehicles traveling north and south on North Salina Street had the right of way/green light.

New York State Vehicle and Traffic Law Section 1150 and 1152-a, indicates that pedestrians are subject to traffic regulations. Pedestrians shall be subject to traffic control signals as provided in section eleven hundred eleven, and pedestrians must yield the right-of-way to vehicles when crossing at intersections.

INJURY PATTERNS/AUTOPSY:

On 03-26-2017, an autopsy of the victim, Seth M. Collier was conducted by Medical Examiner Kristen Landi, MD, at the Onondaga County Medical Examiner's Office, Syracuse, New York. The cause of death was listed as multiple blunt force injuries due to pedestrian-car collision. The manner of death was listed as Accident.

Based on my training and experience investigating car-pedestrian collisions, after speaking directly to the Medical Examiner's Office and reviewing the Preliminary Forensic Autopsy Summary Report, the injuries that Collier sustained were consistent with being struck by a motor vehicle. Collier suffered from trauma to his brain and fractures to the base of his skull which is common injuries from car-pedestrian impacts. Collier also sustained intermuscular hemorrhage centered approximately 21-24 inches above the heels. I measured 21-24 inches from the ground up on the front driver side of V1. The distance of 21-24 inches was in the range of V1's driver side front headlight/the



**COLLISION RECONSTRUCTION
INVESTIGATION NARRATIVE**

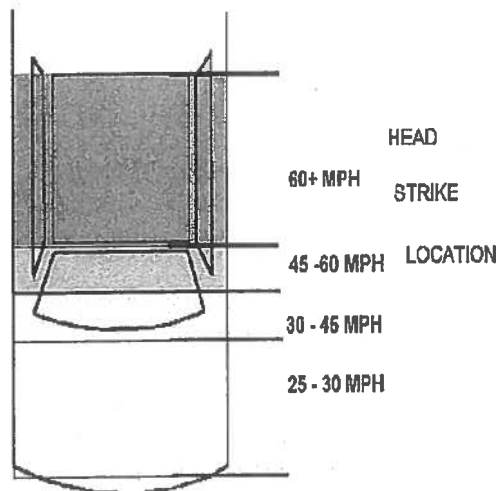
leading edge of the driver side front hood, directly where V1 sustained significant damage from the impact.

MATHEMATICAL FINDINGS:

The speed of V1 at impact was analyzed through the use of the Searle Pedestrian throw formula, a Time Distance analysis and compared to an IPTM Pedestrian Head Strike Chart.

The variables for the Searle Pedestrian Throw Formula are the distance the pedestrian was thrown from impact to final rest, that being 90 feet, and a .66 drag factor for a pedestrian sliding on a dry pavement. Applying these variables produces a speed of 42 mph for V1 at impact.

The variables required for the time distance analysis are the distance V1 traveled in feet and the unit of time the vehicle traveled within that distance. The speed determined through the time distance analysis was what V1 was traveling at just prior to impact. V1 covered a total of 440 feet in 7 seconds yielding a speed of 42 mph.





COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

The pedestrian head strike on the windshield and "A" pillar of V1 was at a mid-range. Using the above head strike chart developed by the Institute of Police Technology and Management the strike location corresponds to an impact speed of approximately 45 mph. Based on the head strike location, as well as the Searle Pedestrian Throw Formula, and the Time distance analysis that I conducted, the impact speed of V1 is in the range of 42-45 mph. The speed limit for the area where the collision occurred is 30 mph.

At 30 mph V1 is covering 44 fps. At 42 mph V1 is covering 61 feet per second. The difference between 44/61 feet per second is 17 feet per second. V1 was moving at a constant velocity and there was no braking before, during or after the impact. V1 is 5.2 feet in width. After reviewing the video of Collier while he crosses the street, until he is struck by V1, Collier covered 25 feet in 5 seconds. Published material/test show that an adult male (Collier's Age) covers approximately 4.95 feet per second. I multiplied 4.95 feet per second by 5 seconds and the product is 24.75 feet. The comparison between the published material to what Collier is observed covering in distance and time on the video is extremely close. Collier's lower extremities made first contact with the "corner" of the driver side front bumper/headlight region of V1. As far as collision avoidance, at 30 mph or 42 mph Collier would not have cleared from V1's path of travel and the collision would have still occurred.

Evidence supports that Rauch was traveling above the speed limit that being 30 mph. As far as the cause of this collision, speed by itself is not a factor. For collision avoidance however speed had a role/and factor to the fatal injuries that Collier sustained during this collision. The higher the speed of a vehicle combined with the mass of the vehicle, contributes to the severity of the impact forces applied to a pedestrian when struck by a motor vehicle.

VEHICLE #1 EXAMINATION:

Vehicle #1 was identified as a 2010 Chevrolet Impala, 4DS, color dark blue bearing New York State registration EWJ6671. The vehicle identification number for V1 is 2G1WA5EK4A1218309. V1's unladen weight is 3,485 pounds. The registration was valid and due to expire 03-31-2018. V1's inspection sticker (#2053007) was valid expiring in February of 2018. The odometer at the time of the mechanical inspection was 67,543. V1 is registered and insured to the Onondaga County District Attorney's Office.

A mechanical inspection of V1 was conducted at 2109 Erie Boulevard East (Patrol East) on 3-24-2017 by Syracuse Police Auto Mechanic Supervisor Bruce Clarke



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

and Syracuse Police Auto Mechanic William Jandreau. I was present during the mechanical inspection and photographed the inspection using digital photography.

I drove V1 through the parking lot of Patrol East and I found the steering and brakes to be in working order.

The following chart shows the tire configuration on V1 as they appeared after the crash. A Tire Pressure Gauge was used to obtain the pounds per square inch and a tire tread depth gauge was used to measure the tread depth of the tires. There were no deficiencies relating to the tires and they were in good condition post-collision.

	MAKE	SIZE	TREAD DEPTH	AIR PRESSURE
Left Front	Good Year Ultra Grip Ice	225/60 R16	9/32's	30 PSI
Left Rear	Good Year Ultra Grip Ice	225/60 R16	8/32's	30 PSI
Right Front	Good Year Ultra Grip Ice	225/60 R16	9/32's	28 PSI
Right Rear	Good Year Ultra Grip Ice	225/60 R16	8/32's	30 PSI

The mechanical inspection revealed that the brakes, tires and steering were adequate. The Brake fluid level/Power Steering fluid level was adequate. There were no mechanical issues found to contribute to the cause of the collision.

A check of the National Highway Traffic Safety Administration (NHTSA) Recall Database revealed no recalls or defect investigations related to this vehicle that could have contributed to the cause of the collision.

I examined V1 at the scene where it was recovered and while at Patrol East. I was assisted at Patrol East by the Syracuse Police Major Crime Scene Unit, The New York State Police Collision Reconstruction Unit and the New York State Police Forensic Unit.

The damage that I observed related to this car/pedestrian collision all occurred on the driver side of the vehicle. The bumper reinforcement behind the front bumper cover had fresh damage consistent with a pedestrian leg strike. The following damage was observed.



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

- ◆ The metal reinforcement behind the front bumper cover was starting to protrude through the bumper cover (Leg Strike).
- ◆ Driver side front bumper as it touches the driver side front headlight assembly was cracked and displaced.
- ◆ The driver side headlight was broken and fractured (missing pieces).
- ◆ The driver side leading edge of the hood where it meets the driver side leading edge of the front quarter panel was dented and displaced.
- ◆ The driver side front windshield (Mid-Range) was fractured.
- ◆ The driver side "A" pillar (Mid-Range) was dented.

The New York State Police Forensic Unit introduced a forensic light source to the driver side of V1 where the damage occurred. The purpose of this was to enhance any biological evidence within the damaged area of V1. We observed and photographed areas of fluorescence (Driver side) when the lighting source was activated. I secured/turned in multiple swabs of the area where the forensic lighting source detected possible biological evidence. Swabs of the steering wheel, gear shift and driver side door handle (interior/exterior) were also collected and turned in to the Syracuse Police Property Section. What appeared to be clothing fabric embedded in the driver side front windshield was also collected and turned in to the Syracuse Police Property Section.

As previously mentioned the driver side front headlight assembly was broken/fractured. Numerous Pieces of broken plastic headlight lens were recovered at the scene on the 1400 block of North Salina Street. The headlight assembly was removed from V1 and transported to the Major Crime Scene office.

On 3-28-2017, at 1442 hours, myself and members of the Major Crime Scene Unit matched the broken pieces found at the collision scene to the front headlight assembly that was removed from V1. Digital photography was used to show how the pieces matched.

Police Officer David Demand recovered multiple articles of evidence from the interior of V1, to include an Onondaga County District Attorney's Office identification card with the photograph of Peter Rauch on it, a pair of handcuffs with the initials "PR" engraved on them and a cell phone that was later identified as Peter Rauch's work cell phone. This cell phone was located on the driver side floor board of V1. For further information please review reports completed by Officer Demand.



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

On 3-29-2017, I and other members of the Syracuse Police Collision Reconstruction Unit took a sibling vehicle (Same as V1) to the intersection of North Salina Street at Bear Street for purposes of obtaining the drag factor for the roadway where the collision occurred. The test were conducted where the collision occurred and traveling in the same direction as V1 when this collision occurred. A VC2000 brake analysis computer was affixed to the sibling vehicle and three test runs were conducted. The 1st test was conducted at 1145 hours and resulted in a .78 drag factor while traveling at 43 mph. the 2nd test was conducted at 1147 hours and resulted in a .77 drag factor while traveling at 42 mph. The 3rd test used was conducted at 1151 hours and resulted in a .62 drag factor while traveling at 41 mph. There was another test conducted at 1149 hours and resulted in a .80 drag factor while traveling at 47 mph. The three test runs that were conducted at 43, 42 and 41 mph were used because they fell in the range of speeds closer to that of V1 at the time of this collision. The three drag factors of .78, .77 and .62 were combined and the average drag factor was .72 for the roadway. These skid test runs were recorded by Police Officer Brian Davis using his in car Watch Guard Camera System.

The above mentioned search and examinations were conducted under the authority of a search warrant issued on 3-21-2017, by the Honorable Kate Rosenthal, City of Syracuse Court Justice.

COLLISION PHASES/KINEMATICS:

PRE-IMPACT PHASE:

V1 was traveling southbound on North Salina Street approaching Bear Street. At the same time, Pedestrian Seth Collier was crossing the street from the north-east corner towards the north-west corner.

IMPACT PHASE:

V1's driver side front bumper collided with Collier's lower extremities. There was no braking on behalf of V1 so the front end of V1 was not dipping downward during an aggressive braking application. Due to Collier being struck by the driver side front



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

bumper, his body wrapped towards the driver side front windshield and "A" pillar. Once Collier's body impacted the windshield and "A" pillar, his body fell off V1's driver side and was projected forward landing on the pavement, sliding to his final resting position, that being the northbound lane on the 1400 block of North Salina Street. This collision sequence is classified as a front fender vault.

POST-IMPACT PHASE:

V1 left the scene of the collision traveling southbound on North Salina Street. Pedestrian Seth Collier came to final rest on the 1400 block of North Salina Street. There is no evidence to support that V1 made a secondary impact with Collier once he was projected onto the roadway.

CONCLUSIONS AND FINDINGS:

In summary this collision occurred when V1 was traveling southbound on North Salina Street at Bear Street and collided with an adult pedestrian who was identified as Seth Collier.

- Rauch was the operator of V1 and collided with Pedestrian Seth Collier, causing fatal injuries to Collier.
- Rauch left the scene of the collision and failed to stop and render any first aid to Collier or call 911.
- There is evidence to support that Rauch was an impaired driver when this collision occurred, therefore alcohol involvement is suspected and a contributing factor for the collision.
- Rauch's work cell phone was located on the driver side floor board of V1. It is unknown if Rauch was on the phone or in the process of making a call or text message when the collision occurred. There was a front seat passenger in the car with Rauch. Being that Rauch took no evasive action to avoid this collision and he struck Collier at a constant velocity, some in car distraction or driver inattention is suspected however could not be determined at this time. Ackerman was traveling 3-5 seconds behind Rauch and could see the pedestrian crossing. Rauch being closer to the



COLLISION RECONSTRUCTION INVESTIGATION NARRATIVE

hazard, failed to recognize Collier and take any evasive action to avoid the collision.

- As the operator of a motor vehicle, Rauch has far greater responsibility to avoid colliding with a pedestrian and he failed to do so during this collision.
- The vehicle in this collision was inspected and found to be fit for road use. The condition of V1 is not under consideration as a cause of this collision.
- The roadway where the collision occurred was free from defects and is not a consideration for the cause of the collision.
- The weather at the time of the collision was cold; however the weather conditions are not a contributing factor for the cause of the collision.
- The lighting in the area of the collision was sufficient from ambient street lights and surrounding buildings.
- Pedestrian Seth Collier crossed at the intersection against the light and failed to yield the right-of-way to V1 which had the green light. Collier is walking at a constant velocity and walks directly into the path of V1 and doesn't appear to be looking before he crosses the street, therefore pedestrian error also contributes to this collision.